

# Material Safety Data Sheets (MSDSs) as Exposure Records

WAC 296-800-180

## Introduction

WAC 296-800-180

Material Safety Data Sheets (MSDSs) as exposure records

### Important:

Exposure records contain information about employees' exposure to toxic substances or harmful physical agents. Material Safety Data Sheets (MSDSs) are one type of exposure record. The preservation of and access to exposure records is necessary to improve detection, treatment, and prevention of occupational diseases.

This rule supplements the chemical hazard communication rule by extending access to MSDSs, or their alternative, after employment and after the hazardous chemical is no longer used in the workplace.

Material Safety Data Sheets  
(MSDSs) as Exposure  
Records



# Material Safety Data Sheets (MSDSs) as Exposure Records

WAC 296-800-180

## Summary

### YOUR RESPONSIBILITY:

To preserve and provide access to Material Safety Data Sheets (MSDSs) or their alternative as exposure records

You must:

Preserve exposure records for at least 30 years

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Inform current employees of exposure records

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Provide access to exposure records

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Transfer records when ceasing to do business

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### Note:

- Access to records, WAC 296-62-052, requires the preservation and access to other exposure records including records such as workplace monitoring data and biological monitoring results and medical records. If you keep these other types of employee exposure records or employee medical records, you must comply with these additional requirements.
- This rule applies to every employer who maintains, makes, contracts for, or has access to MSDSs for chemicals used in their workplace.
- The specific identity of a toxic substance may be withheld from a disclosable record if it is a verifiable trade secret. For trade secret requirements see WAC 296-62-053.



# Material Safety Data Sheets (MSDSs) as Exposure Records

WAC 296-800-180

## Rule

WAC 296-800-18005

Preserve exposure records for at least 30 years

You must:

- Keep Material Safety Data Sheets (MSDSs) and analyses using MSDSs for at least thirty years, including current, former, and future employers receiving transferred records. Preserve MSDSs in any form, as long as the information is not altered and is retrievable. You may keep alternative records instead of MSDSs concerning the identity of a substance. The alternative record must also be kept for thirty years and contain the following information:
  - Some record of the identity (chemical name, if known) of a substance or agent
  - Where the substance or agent was used
  - When the substance or agent was used



### Note:

Keeping alternative records may be less work than you think. When developing your hazard communication program's list of hazardous chemicals (WAC 296-800-17010), add the "where used" and "when used" information required by this rule.

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# Material Safety Data Sheets (MSDSs) as Exposure Records

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## Rule

WAC 296-800-18010

Inform current employees of exposure records

You must:

- Inform current employees who are, or will be exposed to a toxic chemical of:



Note:

A chemical is toxic if:

- The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) lists the substance. This may be obtained on-line, CD-ROM, or on a computer tape.
- Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard.
- A material safety data sheet (MSDS) kept by or known to the employer shows the material may be a hazard to human health.

- The existence, location, and availability of MSDSs or alternative records, and any other records covered by this rule.
- The person responsible for maintaining and providing access to records.
- Exposure records when the employee first enters into employment and then once a year thereafter.
- Existence and their rights of access to these records.



Note:

Informing employees of the availability of these records may be accomplished by posting, group discussion or by individual notifications.

You must:

- Keep a copy of this rule and make copies available upon request to employees.
- Distribute to employees any informational materials about this rule that are made available to the employer by the department.

**180-4**

1-800-4BE-SAFE (1-800-423-7233)

# Material Safety Data Sheets (MSDSs) as Exposure Records

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## Rule

WAC 296-800-18015

### Provide access to exposure records

You must:

- Provide access, whenever requested by an employee or their designated representative, to a relevant exposure record:
  - In a reasonable time, place, and manner.
  - Within 15 working days. If the employer cannot meet this requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.



Note:

- Employee means any current, former or transferred worker.
- A relevant exposure record is an MSDS or its alternative; or analysis using MSDSs or their alternative.

You must:

- Make sure Labor and Industries has prompt access to any exposure records and related analysis. This must be done without violation of any rights under the Constitution or the Washington Industrial Safety and Health Act that the employer chooses to exercise.



Note:

Nothing in this rule is meant to prevent employees and collective bargaining agents from getting access to information beyond that is required by this rule.

—Continued—

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# Material Safety Data Sheets (MSDSs) as Exposure Records

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## Rule

WAC 296-800-18015 (Continued)

You must:

- Make sure that whenever an employee or designated representative requests an initial copy of an exposure record, related analysis or new information added to the record:
  - A copy of the record is provided without cost to the employee or their representative.  
OR
  - The facilities are made available for copying without cost to the employee or their representative.  
OR
  - The record is loaned to the employee or their representative for a reasonable time to enable a copy to be made.



### Note:

Whenever a record has been previously provided without cost to an employee or designated representative, and they request additional copies, the employer may charge reasonable, nondiscriminatory administrative costs (e.g., search and copying expenses, but no overhead expenses).

# Material Safety Data Sheets (MSDSs) as Exposure Records

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## Rule

WAC 296-800-18020

Transfer records when ceasing to do business

You must:

- Transfer all Material Safety Data Sheets (MSDSs) as exposure records to the successor employer, who must do the following to these records:
    - receive
    - preserve
    - keep unchanged
  - If there is no successor to receive and preserve the employee exposure records:
    - Notify affected current employees of their rights of access to records at least 3 months prior to the cessation of the employer's business.
- AND
- Transfer the records to the Department, if required by a specific WISHA safety and health rule.

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# Notes

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